

**INFORMATIONAL LETTER NO. 2041-MC-FFS**

**DATE:** August 27, 2019

**TO:** Iowa Medicaid Home and Community Based Services (HCBS) Providers

**APPLIES TO:** Managed Care (MC) and Fee-for-Service (FFS)

**FROM:** Iowa Home and Community Based Services (HCBS), Iowa Medicaid Enterprise (IME)

**RE:** Iowa Administrative Code Clarification for Provision of Home and Community Based Services (HCBS) by a Spouse

**EFFECTIVE:** Immediately

This letter is intended to clarify Iowa Administrative Code (IAC) 441- [Chapter 77](#) <sup>1</sup> regarding payment of a spouse providing waiver services under Home and Community Based Services' (HCBS) seven waiver programs. Verbiage for all waivers in Chapter 77 requires that waiver services be **“rendered by a person who...is not the spouse of the consumer served or the parent or stepparent of a consumer aged 17 or under.”**

These rules are further reinforced in Iowa Administrative Code (IAC) 441- [Chapter 79.9\(7\)](#) <sup>2</sup> which indicates, “medical assistance funds are improperly paid whenever an individual who provided the service to the member...was at the time the service was provided the parent of a minor child, spouse, or legal representative of the member.”

Clarification of these rules specifies that a spouse shall not be reimbursed for services they provide under a Home and Community Based Services (HCBS) waiver program under any circumstance including when employed by an HCBS enrolled provider, when enrolled as an individual Consumer Directed Attendant Care (CDAC) provider, or when providing services under Consumer Choices Option (CCO).

If you have any questions, please email [HCBSwaivers@dhs.state.ia.us](mailto:HCBSwaivers@dhs.state.ia.us).

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<sup>1</sup> <https://www.legis.iowa.gov/docs/iac/chapter/07-31-2019.441.77.pdf>

<sup>2</sup> <https://www.legis.iowa.gov/docs/iac/rule/09-03-2014.441.79.9.pdf>